IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 956 OF 2006

Manoj Ramchandra Mokashi and anr. ...Applicants.

V/s

The State of Maharashtra ...Respondent

Mr. R.R. Bhosale for the applicants.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 21st March, 2006

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants were arrested in connection with C.R. No. 82/05 registered at Palus Police Station for the offence punishable under sections 364(A), 384 read with section 34 of the Indian Penal Code and under sections 31, 32, 33 of the Money Lending Act.

3. It is submitted by the learned Counsel appearing on behalf of the applicants that the provisions of sections 364(A), 384 of the IPC have not been attracted to the facts of the present case. It is submitted that the applicants had given loan to the complainant as he was in need and the complainant's

cousin and nephew were working with the applicants. However, since the money has not been paid the complainant was being questioned as to why the said amount has not been repaid and, therefore, a false complaint has been filed. Even if the averments in the complaint are taken on its face value, the offence under sections 364(A), 384 has not been made out as the promissory note was executed by the complainant and the agreement was also executed by the cousin and nephew of the complainant. In this view of the matter, prima facie case has been made out for grant of bail.

4. The applicants be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. They shall report to Palus Police Station once in two months.

5. Application is disposed of.

V.M. KANADE, J.